

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Miriam Lynch	Team: Squad #11	CCRB Case #: 201805625	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 07/01/2018 11:21 AM	Location of Incident: Southeast Corner of 203rd Street and 50th Avenue	Precinct: 111	18 Mo. SOL 1/1/2020	EO SOL 1/1/2020	
Date/Time CV Reported Thu, 07/12/2018 10:18 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 07/12/2018 10:18 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Patrick Lynch	12700	953023	103 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Cho	08208	941550	111 PCT
2. LT William Arndt	00000	901135	111 PCT
3. POM Ryan Bonti	14974	960265	111 PCT
4. POM Sean Desena	28296	934751	111 PCT
5. POF Stephanie Matthes	18145	936766	111 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Patrick Lynch	Force: Police Officer Patrick Lynch pointed his gun at § 87(2)(b)	
B.POM Patrick Lynch	Force: Police Officer Patrick Lynch pointed his gun at § 87(2)(b)	
C.POM Patrick Lynch	Discourtesy: Police Officer Patrick Lynch spoke discourteously to § 87(2)(b)	
D.POM Patrick Lynch	Discourtesy: Police Officer Patrick Lynch spoke discourteously to § 87(2)(b)	

Case Summary

On July 12, 2018, § 87(2)(b) filed this complaint via phone with the CCRB on behalf of his nephew § 87(2)(b) and § 87(2)(b)'s friend § 87(2)(b). On October 16, 2018, this case was closed—pending litigation. On July 5, 2019, this case was reopened by victim § 87(2)(b) upon the conclusion of his criminal case.

On July 1, 2018, at approximately 12:00 p.m., § 87(2)(b) and his friend § 87(2)(b) were involved in an argument at the corner of 203rd Street and 50th Avenue in Queens. Close to this intersection is the residence of PO Patrick Lynch of the 103rd Precinct. PO Lynch was in his house at the time with his girlfriend, § 87(2)(b). As the argument continued, PO Lynch walked out of his house. PO Lynch drew and pointed his firearm at § 87(2)(b) and § 87(2)(b) (Allegations A and B- Force- § 87(2)(g) PO Lynch told them not to “fucking” move (Allegation C and Allegation D- Discourtesy- § 87(2)(g) PO Lynch then called 911. Lt. William Arndt of the 111th Precinct responded. Nearby were neighbors § 87(2)(b) and § 87(2)(b)'s son § 87(2)(b) exited his house after uniformed officers arrived on scene.

Video footage provided by the Queens District Attorney's office included that from § 87(2)(b)'s cellphone and 15 videos from officers' body-worn cameras. The NYPD provided video from 16 officers' body-worn cameras (Board Reviews 01-32).

This case received coverage in the § 87(2)(b), and was deemed sensitive (Board Reviews 33-35, Board Review 61).

As a result of this incident, both § 87(2)(b) and § 87(2)(b) were arrested for menacing (Board Reviews 56, 57, 59, and 60).

Findings and Recommendations

Allegation A: Police Officer Patrick Lynch pointed his gun at § 87(2)(b)
Allegation B: Police Officer Patrick Lynch pointed his gun at § 87(2)(b)

It is undisputed that § 87(2)(b) and § 87(2)(b) who live nearby, were engaged in a dispute in front of § 87(2)(b)'s residence, located at § 87(2)(b) in Queens, near the intersection of § 87(2)(b), and that PO Patrick E. Lynch intervened.

The Queens District Attorney's office provided a cellphone video of the incident taken by § 87(2)(b) used his front-facing camera to take the video, and it shows him and § 87(2)(b) and not PO Lynch. The video appears to begin during the interaction, and appears to end before it finishes.

§ 87(2)(b) says in the video to PO Lynch not to “fucking” touch him. Both he and § 87(2)(b) call PO Lynch a “bitch” and a “pussy.” When a voice says “Back up,” § 87(2)(b) says, “Shut up, you fucking pussy. You hit me with another gun, bitch.” § 87(2)(b) then says, “Don't ever fucking pull out a gun on my ass” (Board Review 01, Board Review 36).

An individual says “Stop, police” several times, to which § 87(2)(b) responds, “You ever pull out a gun again, I'll fuck you up. Pull it out, pull it out, nigga. Pull it out again, bitch.” § 87(2)(b) says, “You fuckin' bitch. I'll eat you” and, “Pull a gun on me, and you're done. You're done.” § 87(2)(b) says, “You're a piece of shit. That had nothing to do with you. Me and him were arguing... You came out the house pulling out a gun... I don't give a shit about your badge, I don't give a fuck.” § 87(2)(b) says, “You came out the house with a gun, I see the gun...” The video and audio shortly thereafter become indecipherable (Board Review 01, entirety of the video clip; Board Review 36).

Lt. William Arndt of the 111th Precinct was the patrol supervisor on scene after 911 was called, both by neighbors and by PO Lynch. With his body-worn camera rolling, he asked PO Lynch, § 87(2)(b) and § 87(2)(b) and witness § 87(2)(b) what occurred. Lt. Arndt's full videos appear in IAs #67 and #125 (Board Review 36, Board Review 02, Board Review 03).

In Lt. Arndt's video, PO Lynch said that he was inside of his house with his girlfriend when he heard something outside. § 87(2)(b) was making threats over the phone. § 87(2)(b) pulled up, and the two got very close to each other and started shoving each other. PO Lynch told them to stop, and identified himself as a police officer by pulling out his shield. The two told him to "shut the fuck up," said that they were going to "fuck [him] up" and that they were "§ 87(2)(b)" and he did not know what they would do to "people like [him]." One of them made a gang sign at him. PO Lynch drew his gun and told them to back up. He pulled out his gun so that § 87(2)(b) and § 87(2)(b) would not touch him (Board Review 02, timestamps 00:01:39 in the video player; Board Review 36; excerpted in Board Review 37, entirety of the video clip).

In Lt. Arndt's video, § 87(2)(b) said that he and § 87(2)(b) were talking "a little loud" about what had happened at a Yankee game the evening before, and that PO Lynch came out with a "pistol" pointed at him. § 87(2)(b) told PO Lynch to move back, and started recording him, at which time PO Lynch put the gun behind his back and held out his police shield. § 87(2)(b) and § 87(2)(b) denied that they were fighting. § 87(2)(b) also said that PO Lynch put the gun behind his back during the incident (Board Review 02, timestamps 00:03:33 in the video player; Board Review 36, excerpted in Board Review 38, the entirety of the video clip).

In Lt. Arndt's video, PO Lynch brings § 87(2)(b) a neighbor, to Lt. Arndt to talk about what happened. § 87(2)(b) heard, "screaming and yelling" in his backyard. He saw PO Lynch, whom he referred to as "Pat," come out and say, "Police, police." § 87(2)(b) and § 87(2)(b) made statements to PO Lynch along the lines of, "What are you doing," "It's not your problem," and "fuck you." PO Lynch told them, "Back off, back off." § 87(2)(b) and § 87(2)(b) continued with, "You're a cop," and "I'll kick your ass." § 87(2)(b) did not see a gun, because his view of the incident was obstructed. He demonstrated to Lt. Arndt that § 87(2)(b) and § 87(2)(b) were slightly more than arm's distance from PO Lynch. § 87(2)(b) denied seeing § 87(2)(b) and § 87(2)(b) punch each other, and said that he only observed them screaming (Board Review 02, timestamps 20:45 to 22:08 in the video player; Board Review 36, excerpted in Board Review 39).

In his CCRB interview, § 87(2)(b) testified that he first met with § 87(2)(b) at the intersection of 203rd Street and 50th Avenue, and then the two started to argue. He argued in a loud tone with § 87(2)(b). He denied that the fight ever became physical. § 87(2)(b) likely cursed at § 87(2)(b). § 87(2)(b) denied that either party threatened each other during the fight. They argued for several minutes.

§ 87(2)(b) first observed that PO Lynch was present when he saw him pointing a black firearm at him from five to six feet away, perhaps more. PO Lynch told § 87(2)(b) to freeze. As PO Lynch was very thin and did not identify himself as a police officer, § 87(2)(b) initially believed that PO Lynch was a drug addict, trying to rob him. PO Lynch then pulled out a silver shield. § 87(2)(b) and § 87(2)(b) told PO Lynch things along the lines of, "Fuck you for pulling a gun on us," but § 87(2)(b) denied that either he or § 87(2)(b) threatened PO Lynch, or mentioned being gang members. § 87(2)(b) started recording PO Lynch with his cellphone, at which point PO Lynch placed the gun behind his back.

This incident generated five separate 911 calls. Three were placed by witnesses, and two more were placed by people who identified themselves as relatives of people watching the incident.

The first 911 call was placed by PO Lynch; in it, he said there were two individuals fighting in the street. He can be heard saying, “Police, back up.” When the dispatcher asked if there were any weapons involved, he said, “Not at this time,” said, “back up” several more times, and “10-13,” at which point the call disconnected (Board Reviews 43 and 44).

Two male witnesses also called 911. The first, identified as § 87(2)(b) by the phone records and database searches, said that there was an off-duty incident with two Hispanic males and an officer. This caller could not tell whether the altercation was physical, but suspected that it might escalate. The male individuals were telling officer to shoot them (Board Reviews 43 and 46).

The second male witness identified as § 87(2)(b) through phone records and database searches called and said that there was a “10-13” altercation at 50th Avenue and 203rd Street in Queens, with an officer facing a “perp” (Board Reviews 43 and 47).

The remaining two 911 calls were placed by people who said to the dispatcher that they were not on scene as the incident unfolded. One of these 911 calls was placed by a female individual from a phone identified by the 911 system as being in the § 87(2)(b) household. This female individual said that she did not witness anything that was happening firsthand, but that her husband went outside to watch what was going on (Board Reviews 43 and 48).

The final 911 call was placed by an individual identified by the investigation as § 87(2)(b). He said that a number of police cars were on scene at the time that he called, and that he was about to go outside to see what was happening (Board Reviews 43, 49). All of the phone numbers in 911 records were called, aside from PO Lynch’s cellphone number (Board Review 40).

§ 87(2)(b) was reached by the investigation, and provided an unverified phone statement. He said that he did not see what happened before uniformed police units arrived on scene, but that when he came out of his house, there were two male individuals “instigating” an officer (Board Review 41). § 87(2)(b) and § 87(2)(b) declined to participate in the investigation (Board Review 40). § 87(2)(b) PO Lynch’s girlfriend, could not be reached by the investigation (Board Review 40).

PO Lynch stated that he was at the rear of his house, in the kitchen, when he heard yelling in the street. He looked out of the window and saw § 87(2)(b) yelling on his cellphone. Within a few seconds, § 87(2)(b) pulled up in a car. § 87(2)(b) and § 87(2)(b) began yelling at each other. Soon thereafter, § 87(2)(b) pulled on § 87(2)(b)’s shirt, shoved him into the doorjamb of his vehicle, and the two began grappling with each other. § 87(2)(b) was saying something along the lines of “fuck you,” and “fuck you up” to § 87(2)(b). PO Lynch issued an order like, “break it up.” He did not think that § 87(2)(b) and § 87(2)(b) heard his first command.

PO Lynch determined at this point that a violent crime had been committed—assault—and said, “Police, don’t move.” § 87(2)(b) and § 87(2)(b) turned towards him, and § 87(2)(b) told him to “shut the fuck up.” He told them to “move back” and “back up” multiple times.

§ 87(2)(b) and § 87(2)(b) allegedly told PO Lynch, “We don’t give a fuck that you’re a cop.” “We’ll fuck you up.” “You don’t know what people like us do to people like you.” “Who the fuck do you think you are?” “We know where you live.” “We don’t give a fuck about your father.” “We don’t give a fuck that he’s a cop,” to which PO Lynch repeatedly asked, “Police,

back up.” § 87(2)(b) asked PO Lynch “Do you think you’re the only one with a gun?” § 87(2)(b) said also that they were members of the § 87(2)(b) street gang. He made a hand gesture as he said this. PO Lynch could not describe what this hand gesture was, and does not know the § 87(2)(b) hand sign. § 87(2)(b) also allegedly said, “Do you think you’re the only one with a gun?” PO Lynch “probably” told them to “fucking” move, as they were threatening him, and he believed that they were going to physically harm him.

PO Lynch characterized § 87(2)(b) s and § 87(2)(b) s posture as “aggressive” with one foot in front of the other, and their fists clenched. They were approaching him from two different angles, within arm’s length. When they did this, he drew his gun and pointed it at them. He could not remember whether he pointed the gun once or multiple times at § 87(2)(b) and § 87(2)(b). After he pointed his gun at them, they moved back from him, and he called 911.

The Criminal Court Complaint sworn by PO Lynch for the Queens District Attorney’s Office, completed in regards to this incident noted that the verbal dispute in front of PO Lynch’s house escalated into a physical dispute when § 87(2)(b) pushed § 87(2)(b) and caused him to fall into the front seat of a vehicle. PO Lynch then went to the front of the house, held up his shield and said, “Police. Stop. Don’t move.” § 87(2)(b) and § 87(2)(b) turned towards PO Lynch, and said, “Shut the fuck up. Fuck you. Who the fuck do you think you are? We don’t care that you’re a cop. We’ll fuck you up. Who the fuck do you think you’re dealing with? We’re § 87(2)(b) You don’t know what we do to guys like you in the Bronx.” They threw up hand signs and started walking towards PO Lynch, who kept saying, “Stop, don’t move.” § 87(2)(b) and § 87(2)(b) then said “Where’s your father? We’ll fuck him up to [sic].” PO Lynch continued to say, “Step back.” He then removed his firearm from the holster on his waistband and said, “Don’t move.” § 87(2)(b) told him, “Shoot me, shoot me. You think I give a fuck about your gun? You think you’re the only one with a gun?” (Board Review 42).

§ 87(2)(b), § 87(2)(g)

Per Patrol Guide Procedure 221-01, officers may display their firearms when they believe that a potential for serious injury exists (Board Review 51). § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- On November 18, 2019, a request for a Notice of Claim was made to the New York City Office of the Comptroller. The results will be added to the case file upon receipt (Board Review 63).
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) [REDACTED] did not have any convictions that could be located by the investigation (Board Review 58).

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date